

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201408861	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 08/21/2014 9:18 PM	Location of Incident: Lafayette Avenue and Bedford Avenue	Precinct: 79	18 Mo. SOL 2/21/2016	EO SOL 2/21/2016	
Date/Time CV Reported Fri, 08/22/2014 11:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/27/2014 2:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jamaal Miller	18339	939039	079 PCT
2. POM Adam Dumelle	07474	948001	079 PCT
3. POF Pamela Benites	13086	946728	079 PCT
4. SGT David Leonardi	04982	930557	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Terrence Howard	10504	950599	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Adam Dumelle	Force: PO Adam Dumelle used physical force against § 87(2)(b)	
B.SGT David Leonardi	Abuse: Sgt. David Leonardi authorized the strip search of § 87(2)(b)	
C.POM Jamaal Miller	Abuse: PO Jamaal Miller strip-searched § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

The CCRB received this case as an IAB referral on August 27, 2014 (encl.5A-B, 6A). On August 21, 2014 at 9:18 p.m., officers from the 79th Precinct arrested § 87(2)(b) at Lafayette Avenue and Bedford Avenue in Brooklyn. The following allegations resulted:

- **Allegation A – Force: PO Adam Dumelle used physical force against** § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation B – Abuse of Authority: Sgt. David Leonardi authorized the strip search of** § 87(2)(b) § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C – Abuse of Authority: PO Jamaal Miller strip-searched** § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

This case was ineligible for mediation.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
§ 87(2)(b)
- § 87(2)(b)
§ 87(2)(b)

Arrest Photo (encl. 12A)

Purplish discoloration is visible below § 87(2)(b)'s right eye.

Statements to Medical Personnel (medical records folder)

§ 87(2)(b)'s chief complaint at § 87(2)(b) was "Police hit me yesterday (on) my face, now pain and swelling." He complained of pain to the right side of his face.

CCRB Statement

§ 87(2)(b) provided a phone statement on September 16, 2014 (encl. 7A-B). He was interviewed at the CCRB on September 23, 2014 (encl. 9A-C) and answered additional questions on December 4, 2014 (encl. 34H). § 87(2)(g)

On August 21, 2014 at approximately 9:18 p.m., § 87(2)(b) was leaning against a mailbox and texting in front of the KFC at Bedford Avenue and Lafayette Avenue in Brooklyn. He had a

sealed liquor bottle in his back pocket, and had been standing by the mailbox for about ten minutes when an unmarked police car stopped in front of him.

Plainclothes officers identified by the investigation as PO Adam Dumelle and PO Pamela Benites got out of the car (see encl. 9B-C for officer descriptions). Both officers went behind § 87(2)(b) and PO Dumelle grabbed his right wrist without saying anything first, while PO Benites grabbed his other hand. § 87(2)(b) asked what they were doing, and PO Dumelle said he had an open container. PO Dumelle handcuffed § 87(2)(b) and frisked him, and PO Benites removed his keys from his front pants pocket. PO Dumelle started to escort him to their patrol car.

At that time, another unmarked police car arrived and PO Jamaal Miller and PO Terrence Howard exited (see encl. 9B-C for officer descriptions, identified by investigation). PO Miller assisted PO Dumelle in putting § 87(2)(b) in the police car. In his phone statement, § 87(2)(b) said that he was not handcuffed until PO Miller arrived to assist PO Dumelle. § 87(2)(b) did not resist, but asked why he was being arrested.

PO Benites drove the car to the stationhouse, and PO Dumelle sat in the back seat with § 87(2)(b). During the drive, he continued to ask PO Dumelle questions about why he was being arrested. PO Dumelle became agitated and punched him in the right eye with a closed fist. He then pushed § 87(2)(b) against the car door and said “Didn’t I tell you to shut up?”

At the stationhouse, § 87(2)(b) told several officers standing outside that PO Dumelle punched him. An officer § 87(2)(b) thought was a captain asked § 87(2)(b) who punched him, but § 87(2)(b) did not believe that officer wrote the information down.

In his phone statement, § 87(2)(b) stated that PO Miller, PO Howard, and PO Dumelle escorted him to the cells. PO Dumelle stayed outside of the cell because § 87(2)(b) was yelling about being punched by him. PO Miller ordered him to remove all of his clothing, and PO Howard examined each article of clothing after he took it off. PO Miller also ordered him to squat. He did not mention a strip search in his in-person statement, but in a later phone call he affirmed that he was strip-searched as described in his initial phone statement.

PO Miller eventually retrieved § 87(2)(b) from the cells to photograph him. As he did this, PO Miller noticed § 87(2)(b)'s swollen right eye, and asked if he was okay. § 87(2)(b) requested PO Dumelle's name. PO Miller refused, but gave his own name. § 87(2)(b) told PO Miller he wanted to see a doctor. PO Miller said he would be back, but § 87(2)(b) did not see him again.

§ 87(2)(b) went to § 87(2)(b) the next morning. He was given a CT scan, and no internal injuries were found. § 87(2)(b) experienced swelling on his right eye, as well as blurred vision and a headache.

At his arraignment, § 87(2)(b) learned that he was being charged with § 87(2)(b). He learned from a complaint report he obtained from Legal Aid that he was accused of selling drugs to § 87(2)(b) which he denied. In his phone statement, § 87(2)(b) said he did not see § 87(2)(b) on the day of his arrest, but spoke to him later about the incident.

Civilians Not Interviewed

§ 87(2)(b) said he did not see § 87(2)(b) in the stationhouse, and PO Howard said in his interview that he was with § 87(2)(b) because they keep buyers and sellers separate when making narcotics arrests. § 87(2)(g)

NYPD Statements:

Subject Officer: PO ADAM DUMELLE

- *PO Dumelle is a white man who is 5'9" tall, weighs 185 pounds, and has brown hair and blue eyes. He was § 87(2)(b) old at the time of this incident.*

- *PO Dumelle worked from 2 p.m. to 10:35 p.m. on August 21, 2014. He was in plainclothes assigned to the 79th Precinct Strategic Enterprise Team, in an unmarked blue Chevy Impala with PO Pamela Benites, who was the driver.*

Memo Book (encl.13A-C)

21:15, one under by PO Miller at corner of Bedford Avenue and Lafayette Avenue.

CCRB Statement

PO Dumelle was interviewed at the CCRB on November 21, 2014 (encl. 14C).

At approximately 9:15 p.m. on August 21, 2014, PO Dumelle received a point-to-point radio call from PO Miller stating that he observed a drug transaction at Bedford Avenue and Lafayette Avenue. PO Dumelle and PO Benites drove to the location. The alleged seller – § 87(2)(b) – was standing by a mailbox in front of a chicken restaurant. PO Dumelle could not recall if PO Miller gave details of the drug transaction on the radio.

PO Dumelle and PO Benites exited their police vehicle and approached § 87(2)(b). PO Dumelle told him to stop, after which § 87(2)(b) said “What the fuck you stopping me for?” and “You have no reason to arrest me.”

PO Miller came to assist in the arrest. PO Howard and Sgt. David Leonardi did not assist in the arrest, and PO Dumelle did not know where they were. PO Dumelle, PO Benites, and PO Miller tried to put § 87(2)(b)'s hands behind his back. He tensed up, but they eventually handcuffed him after forcing his hands behind his back. The officers frisked him for weapons, and PO Benites recovered crack cocaine from one of his pockets. § 87(2)(b) slightly resisted being put in the police vehicle, and they had to force him to go with them.

PO Benites drove the car to the 79th Precinct stationhouse, and PO Dumelle sat in the back seat with § 87(2)(b). No one else was in that car. § 87(2)(b) continued to dispute his arrest, but did not do anything physical during the drive. PO Dumelle did not punch § 87(2)(b) in the face or use any force during the drive.

PO Dumelle never saw any injuries on § 87(2)(b) and did not recognize the discoloration below § 87(2)(b)'s right eye in his arrest photo. He was unaware of anything that could have caused injuries. PO Dumelle did not walk § 87(2)(b) to the prisoner cells and did not know who did. He did not remember if a strip search was conducted, and said he did not participate in a strip search of § 87(2)(b). He was unaware that § 87(2)(b) was hospitalized.

Subject Officer SERGEANT DAVID LEONARDI

- *Sgt. Leonardi is a white man who is 6'8" tall, weighs 260 pounds, and has brown hair and blue eyes. He was § 87(2)(b) old at the time of this incident.*
- *On August 21, 2014, Sgt. Leonardi worked from 1:48 p.m. to 10:45 p.m. He was assigned as the Strategic Enterprise Team (S.E.T.) supervisor, and was in an unmarked Ford Crown Victoria with PO Jamaal Miller and PO Terrence Howard. He was in plainclothes.*

Memo Book (encl. 15.1A-B)

21:15, one under by PO Miller in front of 434 Lafayette Avenue. Stood by for ESU for recovery of narcotics inside subway grate.

CCRB Statement

Sgt. Leonardi was interviewed at the CCRB on December 11, 2014 (encl. 15.1E).

On August 21, 2014 at approximately 9:15 p.m., Sgt. Leonardi was in an unmarked police vehicle with PO Miller and PO Howard when PO Miller indicated that he observed a hand-to-hand drug transaction at Bedford Avenue and Lafayette Avenue in Brooklyn. Sgt. Leonardi did

not observe the transaction personally, and could not remember whether PO Miller told him any additional details about the drug transaction.

The officers followed the buyer, § 87(2)(b) west on Lafayette Avenue, losing sight of § 87(2)(b) as a result. They stopped § 87(2)(b) at 434 Lafayette Avenue, and § 87(2)(b) threw an object into a subway grate. Sgt. Leonardi looked into the subway grate and saw that the object appeared to be a bag of crack cocaine. § 87(2)(b) was arrested and placed in their police vehicle.

Sgt. Leonardi called PO Dumelle and PO Benites on the radio, and they came to 434 Lafayette Avenue. He told them to go with PO Miller, who would point out the seller in the drug transaction, who he later learned to be § 87(2)(b).

All other officers on the team drove toward Bedford Avenue. Sgt. Leonardi remained by the subway grate at 434 Lafayette Avenue to guard the evidence. ESU eventually came and removed the grate, and Sgt. Leonardi recovered the crack cocaine.

While he was waiting for ESU, the rest of the team brought § 87(2)(b) and § 87(2)(b) to the stationhouse. Sgt. Leonardi spoke to PO Miller via cell phone and during that call Sgt. Leonardi authorized a strip search of § 87(2)(b). When asked why he authorized the search, Sgt. Leonardi stated that it was because § 87(2)(b) was observed selling narcotics, and sellers often “secrete narcotics on their person.” He stated that the other officers believed § 87(2)(b) might have narcotics hidden within his clothing, but could not name any reasons why, instead stating the reason for the search was based on “the nature of the crime itself.”

Sgt. Leonardi did not remember if any drugs were recovered from § 87(2)(b) at any time. He said that arrested individuals are usually searched once before they are put in the police car and again in front of the precinct desk, but he could not say if this was done with § 87(2)(b) because he was not present. By the time he returned to the stationhouse at 9:50 p.m., the strip search had already been conducted. Sgt. Leonardi was uncertain as to who performed this search.

Sgt. Leonardi never saw any injuries on § 87(2)(b) or heard him complain that PO Dumelle punched him in the face.

Subject Officer: PO JAMAAL MILLER

- *PO Miller is a black man who is 5’10” tall, weighs 270 pounds, and has black hair and hazel eyes. He was § 87(2)(b) old at the time of this incident.*
- *PO Miller worked from 2 p.m. to 10:35 p.m. on August 21, 2014. He was in plainclothes, assigned to the Strategic Enterprise Team, in unmarked car 567 with PO Terrence Howard and Sgt. David Leonardi. He could not recall the make and model of that car.*

Arrest Reports (encl. 18A-C, 19A-C)

Both narratives state that § 87(2)(b) and § 87(2)(b) exchanged an unspecified narcotic for currency. § 87(2)(b)’s arrest report notes that a strip search was conducted.

Memo Book (encl. 16A-D)

Thursday, August 22, 2014: 21:15, § 87(2)(b) arrested for § 87(2)(b) in front of 434 Lafayette Avenue. 21:18, § 87(2)(b) arrested for § 87(2)(b) in front of Bedford Avenue and Lafayette Avenue. (Numerous entries about arrest processing.)

Friday, August 22, 2014: 9:00, advised by desk sergeant that § 87(2)(b) requested medical attention. 9:30, EMS arrived.

CCRB Statement

PO Miller was interviewed at the CCRB on November 21, 2014 (encl. 17C-D).

Shortly before 9:15 p.m. on August 21, 2014, PO Miller was in the front passenger seat of an unmarked police vehicle driven by PO Howard, with Sgt. Leonardi in the back seat. Somewhere

on Bedford Avenue – he could not recall where – PO Miller observed § 87(2)(b) hand a bag containing a “white rock substance” (which his training and experience led him to believe was crack cocaine) to another man, identified on his arrest report as § 87(2)(b) in exchange for cash. PO Miller and the officers with him first apprehended § 87(2)(b) at 434 Lafayette Avenue and put him in the back of their police vehicle. They recovered crack cocaine from him; PO Miller did not mention him throwing the narcotics into a subway grate. Sgt. Leonardi remained at 434 Lafayette Avenue, and PO Miller and PO Howard got in the car, from which PO Miller could observe § 87(2)(b) where he was standing at the corner of Bedford Avenue and Lafayette Avenue.

PO Miller called PO Dumelle and PO Benites on his point-to-point radio and gave them a description of § 87(2)(b)'s location. They arrived shortly and approached § 87(2)(b). PO Miller observed § 87(2)(b) waving his arms and twisting his torso, so he got out to assist in handcuffing § 87(2)(b). § 87(2)(b) was searched and escorted to the back of PO Dumelle and PO Benites' car. After he was inside, PO Benites handed PO Miller crack cocaine that she found in § 87(2)(b)'s pocket. In his CCRB statement, PO Miller indicated that PO Benites found the drugs on § 87(2)(b) “exactly where I told her they would be.” PO Miller did not see any injuries on § 87(2)(b) at that time, and did not see any actions that could have caused injuries. PO Howard and Sgt. Leonardi were not involved in § 87(2)(b)'s arrest.

PO Miller, PO Howard, and Sgt. Leonardi returned to the stationhouse. PO Miller first stated in his CCRB interview that § 87(2)(b) was not strip-searched. However, when shown the arrest report saying that § 87(2)(b) was strip-searched, PO Miller stated that a strip search was authorized by Sgt. Leonardi but not conducted. Sgt. Leonardi authorized a strip search after PO Miller told him that he observed § 87(2)(b) sell narcotics, and that narcotics were recovered when he was searched prior to being placed in the vehicle. He could not name any additional factors that led Sgt. Leonardi to authorize the search.

When PO Miller put § 87(2)(b) in a cell and requested his shoelaces, § 87(2)(b) began acting hysterically and taking all his clothes off. PO Miller decided not to conduct a strip search and walked away. Another officer may have been with him, but he could not recall who.

When PO Miller returned to the cell a few minutes later, § 87(2)(b) had calmed down and put his clothes back on. PO Miller never heard § 87(2)(b) complain of any injuries and never observed any injuries or actions that could have caused injuries. When asked about the discoloration below § 87(2)(b)'s right eye in his arrest photo, PO Miller claimed that that photo was not the one he took.

When PO Miller reported for his tour at 9:00 a.m. the next day, the desk sergeant told him that § 87(2)(b) was requesting medical attention. However, § 87(2)(b) was taken to the hospital by different officers, and PO Miller did not know what he was treated for.

Witness Officer: PO PAMELA BENITES

- *PO Benites is a Hispanic woman who is 5'4" tall, weighs 147 pounds, and has brown hair and brown eyes. She was § 87(2)(b) old at the time of this incident.*
- *On August 21, 2014, PO Benites worked from 2 p.m. to 10:35 p.m. She was assigned to the 79th Precinct S.E.T., working with PO Adam Dumelle, and was in plainclothes. They were assigned to an unmarked Chevy Impala, which she believed was black.*

Memo Book (encl. 21A-C)

PO Benites recorded the following entry on her fly sheet: 21:18, PO Miller made a sale observation at the corner of Bedford Avenue and Lafayette Avenue. Handed PO Miller crack cocaine recovered from defendant.

CCRB Statement

PO Benites was interviewed at the CCRB on December 2, 2014 (encl. 22C). § 87(2)(g)

PO Benites said that PO Miller informed her in the radio call that the narcotics were in § 87(2)(b)'s front-right pants pocket, where she later recovered them. A full search was not conducted at the scene, as they only took the narcotics and frisked § 87(2)(b) for weapons. She said that she and PO Dumelle arrested § 87(2)(b) by themselves, and neither PO Miller nor any other officer came to the scene of arrest. § 87(2)(b) appeared to understand the reason for his arrest, and did not verbally dispute it.

PO Benites drove back to the stationhouse, but could not recall whether PO Dumelle sat in the front passenger seat or in the back with § 87(2)(b). PO Dumelle did not punch § 87(2)(b) during the drive, and did not use force against him at any time. § 87(2)(b) did not do or say anything noteworthy during the drive, which only took about one minute.

PO Benites assisted in the arrest processing at the stationhouse, but did not go to the cells with § 87(2)(b) because male officers do that. PO Dumelle went to the cells with § 87(2)(b) she was unsure if any other officer did. PO Benites stated that a strip search of § 87(2)(b) was conducted by PO Dumelle, which was authorized because people arrested for selling narcotics often hide them in their underwear. She was not present for the strip search, because she is female.

PO Benites said she never saw the injury visible in the arrest photo, and § 87(2)(b) did not appear to be injured in any way. To her knowledge, he was not hospitalized.

Other Officers Interviewed

PO Howard was interviewed on November 20, 2014 (encl. 25C). He stated that he was with the alleged buyer in the drug transaction, § 87(2)(b) throughout the incident, because they keep buyers and sellers separate when making narcotics arrests. PO Howard had no interaction with § 87(2)(b) whatsoever. He did not assist in strip searching § 87(2)(b) or observe him being strip searched, and was never in the same room with him.

Medical Records

§ 87(2)(b) (medical records folder)
§ 87(2)(b) was accompanied by an officer with shield number 20504 (identified via investigation as PO Charlene Vazquez). He had swelling and ecchymosis to his lower right eyelid. His vision and mental status were normal, and there was no evidence of a fracture.

NYPD Documents

79th Precinct Command Log (encl. 28A)

§ 87(2)(b) was logged into the stationhouse at 9:56 p.m. on August 21, 2014. His condition was described as "apparently normal." Sgt. Leonardi verified the arrest, and a strip search was authorized. At 10:55 a.m. on August 22, 2014 § 87(2)(b) was taken to § 87(2)(b). At 11:30 a.m., IAB was notified and it was noted that that § 87(2)(b) had swelling below his right eye.

Prisoner Movement Slip (encl. 27A)

After being kept at the 79th Precinct stationhouse, § 87(2)(b) was taken to § 87(2)(b) on August 22, 2014 at 10:55 a.m. and remained there until 1:25 p.m. He was kept at the 79th Precinct stationhouse until 6:29 p.m., when he was taken to central bookings.

Arrest for Incident and Disposition

- Indictment number § 87(2)(b) remains open. The next scheduled court date is § 87(2)(b) in Kings County Supreme Court (encl. 31A).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 12, 2014 with regard to the incident, nearly one month after the 90-day filing deadline (encl.).

Civilian Criminal History

- § 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3A).

Subject Officer CCRB History

- PO Dumelle has been a member of the service for five years and there are two substantiated CCRB allegations against him (encl. 2A-B).
 - In case 201011266, allegations of a frisk and search were substantiated and PO Dumelle received instructions.
 - Eight prior complaints against PO Dumelle include an allegation of physical force: one of those complaints was exonerated; the other seven were either unsubstantiated or not fully investigated.
- Sgt. Leonardi has been a member of the service for twelve years and there are six substantiated CCRB allegations against him (encl. 2C-F).
 - In case 200410123, a property damaged allegation was substantiated and Sgt. Leonardi received command discipline.
 - In case 201107817, allegations of a stop, search, and frisk were substantiated. Charges were recommended, but the NYPD gave instructions.
 - In case 201310961, allegations of a frisk and a refusal to process a civilian complaint were substantiated. Command discipline was recommended; the NYPD disposition is pending.
 - There are seven prior strip-search allegations against Sgt. Leonardi: one was exonerated, two were unsubstantiated, one was closed as complainant uncooperative, and three are pending dispositions.
- PO Miller has been a member of the service for nine years and there are four substantiated CCRB allegations against him (encl. 2G-I).
 - In case 201210869, allegations of a stop, search, threat of force, and discourtesy were substantiated. Charges were recommended; the NYPD disposition is pending.
 - There are three prior strip-search allegations against PO Miller: one was unsubstantiated and two are pending dispositions.

Conclusion

Identification of Subject Officers

§ 87(2)(b) stated that he was punched by the officer who sat next to him during the drive to the stationhouse. PO Dumelle acknowledged that he was the only officer who sat next to § 87(2)(b) during this drive. Therefore, allegation A is being pled to PO Dumelle.

§ 87(2)(b) alleged that PO Miller ordered him to remove his clothes and PO Howard examined the clothes after he removed them. Although Sgt. Leonardi was not present for the strip search, he acknowledged that, as supervisor, he authorized the strip search. Therefore, allegation B is being pled to Sgt. Leonardi and allegation C is being pled to PO Miller.

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated that he told PO Miller he wanted to see a doctor, and that PO Miller told him he would come back and did not do so. However, he did not allege that PO Miller refused outright to obtain treatment, and § 87(2)(b) was eventually hospitalized. § 87(2)(g)

§ 87(2)(g)

Allegation A – Force: PO Adam Dumelle used physical force against § 87(2)(b)

§ 87(2)(b) alleged that, during the drive to the 79th Precinct stationhouse, PO Dumelle punched him in the face. This caused him to suffer swelling on his eye, as well as pain and a headache. He said he informed PO Miller as well as another officer who may have been a captain that PO Dumelle punched him in the face.

PO Dumelle denied punching or using other force against § 87(2)(b) during the drive. The driver of the car, PO Benites, denied observing this. PO Miller denied that § 87(2)(b) complained of injuries in his presence, and denied observing injuries on him. When shown the injury in § 87(2)(b)'s arrest photo, PO Miller denied that this was the photo he took.

According to both PO Dumelle and PO Benites, § 87(2)(b) was not physically resistant during the drive to the stationhouse. § 87(2)(g)

§ 87(2)(b)'s condition upon arrest was described as normal on the command log, which does not note any complaint or injury until the following morning.

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: Sgt. David Leonardi authorized the strip search of § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that, while he was in a cell at the back of the stationhouse, PO Miller ordered him to remove his clothing, and PO Howard assisted in the strip search by examining the clothing as he removed it. He also alleged that PO Miller ordered him to squat, and said that PO Dumelle did not participate in the search, but was outside the cell when it occurred.

PO Dumelle and PO Howard denied going to the cell with § 87(2)(b) and being present for any strip search. PO Benites said that PO Dumelle walked § 87(2)(b) to the cells and strip-searched him, but she was not present for this because she is a woman. PO Miller acknowledged that he spoke to Sgt. Leonardi, who authorized a strip search, and that he walked § 87(2)(b) to the prisoner cells. He stated that no strip search was actually conducted because § 87(2)(b) began acting hysterically and taking all his clothes off without being asked to. Sgt. Leonardi acknowledged authorizing a strip search of § 87(2)(b) and believed that one was conducted, but was unsure who performed the search because he was not present in the stationhouse. Sgt. Leonardi could not name any specific reasons why he or PO Miller thought § 87(2)(b) had additional narcotics hidden inside his clothing, but indicated that they suspected this due to “the nature of the crime itself.”

Strip searches “may not be conducted routinely in connection with an arrest.” They may be authorized only when the arresting officer has an articulable reason for believing the arrestee is concealing contraband, evidence, or a weapon within their clothing in a way that would prevent the item from being discovered in a less intrusive search. Strip searches must be authorized by the arresting officer’s supervisor. Patrol Guide, Section 208-05 (encl. 1D-F).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority: PO Jamaal Miller strip-searched § 87(2)(b)

As described above, § 87(2)(b) alleged that PO Miller ordered him to remove his clothing in the holding cell. PO Miller said that § 87(2)(b) removed his clothes without being asked to, and no other officer acknowledged being present while PO Miller escorted § 87(2)(b) to the holding cell.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: 2

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date